

AMENDED IN SENATE JUNE 1, 2000
AMENDED IN ASSEMBLY APRIL 5, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2351

Introduced by Assembly Member Zettel
(Principal coauthor: Senator Peace)

February 24, 2000

An act to amend Sections 12132 and 12276.1 of the Penal Code, relating to weapons.

LEGISLATIVE COUNSEL'S DIGEST

AB 2351, as amended, Zettel. Weapons: manufacture, import, and sale.

(1) Existing law, commencing January 1, 2001, makes it a misdemeanor to manufacture or cause to be manufactured, import into the state for sale, keep for sale, offer or expose for sale, give, or lend any unsafe handgun, except as specified.

Existing law, *commencing January 1, 2001*, additionally requires every person licensed to manufacture firearms pursuant to federal law who manufactures firearms in this state and every person who imports into the state for sale, keeps for sale, or offers or exposes for sale any firearm to certify under penalty of perjury that every model, kind, class, style, or type of pistol, revolver, or other firearm capable of being concealed upon the person that he or she manufactures or imports, keeps, or exposes for sale is not a prohibited unsafe handgun.

This bill would exempt from these requirements—~~any firearm that is certain firearms that are~~ used in official Olympic-style international shooting competition—~~sanctioned by a specified entity, as specified.~~

(2) Existing law defines the term “assault weapon” by, among other things, designating a list of specified semiautomatic firearms and providing descriptive definitions concerning the capacity and function of the weapon.

The bill additionally would specify that the definition of “assault weapon” does not include—~~any firearm that is certain firearms that are~~ used in official Olympic-style international shooting competition—~~sanctioned by a specified entity, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature in
2 enacting this bill to simplify the application of its
3 provisions by the Department of Justice and to ensure
4 that these provisions only have the effect of allowing
5 access to, and use of, firearms for Olympic-style shooting,
6 without affecting other firearms regulated under existing
7 law.

8 SEC. 2. Section 12132 of the Penal Code is amended
9 to read:

10 12132. This chapter shall not apply to any of the
11 following:

12 (a) The sale, loan, or transfer of any firearm pursuant
13 to Section 12082 or 12084 in order to comply with
14 subdivision (d) of Section 12072.

15 (b) The sale, loan, or transfer of any firearm that is
16 exempt from the provisions of subdivision (d) of Section
17 12072 pursuant to any applicable exemption contained in
18 Section 12078, if the sale, loan, or transfer complies with
19 the requirements of that applicable exemption to
20 subdivision (d) of Section 12072.

(c) The sale, loan, or transfer of any firearm as described in paragraph (3) of subdivision (b) of Section 12125.

(d) The delivery of a pistol, revolver, or other firearm capable of being concealed upon the person to a person licensed pursuant to Section 12071 for the purposes of the service or repair of that firearm.

(e) The return of a pistol, revolver, or other firearm capable of being concealed upon the person by a person licensed pursuant to Section 12071 to its owner where that firearm was initially delivered in the circumstance set forth in subdivision (d).

(f) The return of a pistol, revolver, or other firearm capable of being concealed upon the person by a person licensed pursuant to Section 12071 to its owner where that firearm was initially delivered to that licensee for the purpose of a consignment sale or as collateral for a pawnbroker loan.

(g) The sale, loan, or transfer of any pistol, revolver, or other firearm capable of being concealed upon the person listed as a curio or relic, as defined in Section 178.11 of the Code of Federal Regulations.

~~(h) Any firearm that is used for the purpose of using that firearm in official Olympic-style international shooting competition sanctioned by USA Shooting, the national governing body for international shooting competition in the United States as franchised by the United States Olympic Committee. A list of any pistol, revolver, or other firearm capable of being concealed upon the person that is eligible to be used in USA Shooting sanctioned events shall be furnished to the Department of Justice by the Executive Director of USA Shooting. An updated list shall be furnished to the department as needed.~~

(h) (1) The Legislature finds a significant public purpose in exempting firearms that are designed expressly for use in Olympic target shooting events. Therefore, it is the intent of the Legislature to exempt those pistols that are used for Olympic target shooting purposes at the time this section is enacted, and that fall

1 *within the definition of “unsafe handgun” pursuant to*
 2 *paragraph (3) of subdivision (b) of Section 12126.*

3 *(2) This chapter shall not apply to any of the following*
 4 *firearms, because they are consistent with the significant*
 5 *public purpose expressed in paragraph (1):*

6			
7	MANUFACTURER	MODEL	CALIBER
8	ANSCHUTZ	FP	.22LR
9	BENELLI	MP90	.22LR
10	BENELLI	MP90	.32 S&W LONG
11	BENELLI	MP95	.22LR
12	BENELLI	MP95	.32 S&W LONG
13	DRULOV	FP	.22LR
14	GREEN	ELECTROARM	.22LR
15	HAMMERLI	100	.22LR
16	HAMMERLI	101	.22LR
17	HAMMERLI	102	.22LR
18	HAMMERLI	162	.22LR
19	HAMMERLI	280	.22LR
20	HAMMERLI	280	.32 S&W LONG
21	HAMMERLI	FP10	.22LR
22	HAMMERLI	MP33	.22LR
23	HAMMERLI	SP20	.22LR
24	HAMMERLI	SP20	.32 S&W LONG
25	MORINI	CM102E	.22LR
26	MORINI	22M	.22LR
27	MORINI	32M	.32 S&W LONG
28	MORINI	CM80	.22LR
29	PARINI	GP	.22 SHORT
30	PARINI	GPO	.22 SHORT
31	PARINI	GP-SCHUMANN	.22 SHORT
32	PARINI	HP	.32 S&W LONG
33	PARINI	K22	.22LR
34	PARINI	MP	.32 S&W LONG
35	PARINI	PGP75	.22LR
36	PARINI	SP	.22LR
37	PARINI	SPE	.22LR
38	SAKO	FINMASTER	.22LR
39	STEYR	FP	.22LR
40	VOSTOK	IZH No. 1	.22LR

1	<i>VOSTOK</i>	<i>MU55</i>	<i>.22LR</i>
2	<i>VOSTOK</i>	<i>TOZ35</i>	<i>.22LR</i>
3	<i>WALTHER</i>	<i>FP</i>	<i>.22LR</i>
4	<i>WALTHER</i>	<i>GSP</i>	<i>.22LR</i>
5	<i>WALTHER</i>	<i>GSP</i>	<i>.32 S&W LONG</i>
6	<i>WALTHER</i>	<i>OSP</i>	<i>.22 SHORT</i>
7	<i>WALTHER</i>	<i>OSP-2000</i>	<i>.22 SHORT</i>

8
9 SEC. 3. Section 12276.1 of the Penal Code is amended
10 to read:

11 12276.1. (a) Notwithstanding Section 12276, “assault
12 weapon” shall also mean any of the following:

13 (1) A semiautomatic, centerfire rifle that has the
14 capacity to accept a detachable magazine and any one of
15 the following:

16 (A) A pistol grip that protrudes conspicuously beneath
17 the action of the weapon.

18 (B) A thumbhole stock.

19 (C) A folding or telescoping stock.

20 (D) A grenade launcher or flare launcher.

21 (E) A flash suppressor.

22 (F) A forward pistol grip.

23 (2) A semiautomatic, centerfire rifle that has a fixed
24 magazine with the capacity to accept more than 10
25 rounds.

26 (3) A semiautomatic, centerfire rifle that has an
27 overall length of less than 30 inches.

28 (4) A semiautomatic pistol that has the capacity to
29 accept a detachable magazine and any one of the
30 following:

31 (A) A threaded barrel, capable of accepting a flash
32 suppressor, forward handgrip, or silencer.

33 (B) A second handgrip.

34 (C) A shroud that is attached to, or partially or
35 completely encircles, the barrel that allows the bearer to
36 fire the weapon without burning his or her hand, except
37 a slide that encloses the barrel.

38 (D) The capacity to accept a detachable magazine at
39 some location outside of the pistol grip.

(5) A semiautomatic pistol with a fixed magazine that has the capacity to accept more than 10 rounds.

(6) A semiautomatic shotgun that has both of the following:

(A) A folding or telescoping stock.

(B) A pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip.

(7) A semiautomatic shotgun that has the ability to accept a detachable magazine.

(8) Any shotgun with a revolving cylinder.

(b) The Legislature finds a significant public purpose in exempting firearms that are designed expressly for use in Olympic target shooting events. Therefore, it is the intent of the Legislature to exempt those pistols that are used for Olympic target shooting purposes at the time the act adding this subdivision is enacted, and that would otherwise fall within the definition of "assault weapon" pursuant to this section.

(c) "Assault weapon" does not include either of the following:

(1) Any antique firearm.

~~*(2) Any firearm that is used in official Olympic-style international shooting competition sanctioned by USA Shooting, the national governing body for international shooting competition in the United States as franchised by the United States Olympic Committee. A list of any pistol, revolver, or other firearm capable of being concealed upon the person that is eligible to be used in USA Shooting sanctioned events shall be furnished to the Department of Justice by the Executive Director of USA Shooting. An updated list shall be furnished to the department as needed.*~~

(2) Any of the following firearms, because they are consistent with the significant public purpose expressed in subdivision (b):

MANUFACTURER	MODEL	CALIBER
BENELLI	MP90	.22LR
BENELLI	MP90	.32 S&W LONG

1	<i>BENELLI</i>	<i>MP95</i>	<i>.22LR</i>
2	<i>BENELLI</i>	<i>MP95</i>	<i>.32 S&W LONG</i>
3	<i>HAMMERLI</i>	<i>280</i>	<i>.22LR</i>
4	<i>HAMMERLI</i>	<i>280</i>	<i>.32 S&W LONG</i>
5	<i>HAMMERLI</i>	<i>SP20</i>	<i>.22LR</i>
6	<i>HAMMERLI</i>	<i>SP20</i>	<i>.32 S&W LONG</i>
7	<i>PARDINI</i>	<i>GPO</i>	<i>.22 SHORT</i>
8	<i>PARDINI</i>	<i>GP-SCHUMANN</i>	<i>.22 SHORT</i>
9	<i>PARDINI</i>	<i>HP</i>	<i>.32 S&W LONG</i>
10	<i>PARDINI</i>	<i>MP</i>	<i>.32 S&W LONG</i>
11	<i>PARDINI</i>	<i>SP</i>	<i>.22 LR</i>
12	<i>PARDINI</i>	<i>SPE</i>	<i>.22 LR</i>
13	<i>WALTHER</i>	<i>GSP</i>	<i>.22LR</i>
14	<i>WALTHER</i>	<i>GSP</i>	<i>.32 S&W LONG</i>
15	<i>WALTHER</i>	<i>OSP</i>	<i>.22 SHORT</i>
16	<i>WALTHER</i>	<i>OSP-2000</i>	<i>.22 SHORT</i>

17

18 ~~(e)~~

19 (d) The following definitions shall apply under this
20 section:

21 (1) "Magazine" shall mean any ammunition feeding
22 device.

23 (2) "Capacity to accept more than 10 rounds" shall
24 mean capable of accommodating more than 10 rounds,
25 but shall not be construed to include a feeding device that
26 has been permanently altered so that it cannot
27 accommodate more than 10 rounds.

28 (3) "Antique firearm" means any firearm
29 manufactured prior to January 1, 1899.

30 ~~(d)~~

31 (e) This section shall become operative January 1,
32 2000.

33 SEC. 4. If any provision of this act or the application
34 thereof to any person or circumstance is held invalid, that
35 invalidity may not affect other provisions or applications
36 of this act that can be given effect without the invalid
37 provision or application, and to this end the provisions of
38 this act are severable.

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